APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,976	01/29/2004	Peng Chang	SAR-14948	4351

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EXAMINER
LE, BRIAN Q

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
12/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/766,976	CHANG ET AL.
	Examiner	Art Unit	
	Brian Q. Le	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 October 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7,13-16, and 20-23_ is/are rejected.

7)☒ Claim(s) _8-12, 17-19 and 24-28_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application

is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on 10/09/2007 has been entered.

2.   Applicant's arguments with regard to claims 1-28 have been fully considered, but are not

considered persuasive because of the following reasons:

      Regarding independent claims 1, 13 and 20, the Applicant argues (bottom of page 8 of

the Remarks) that Franke et al., Autonomous Driving Goes Downtown, IEEE Intelligent

Systems, 1998 (hereinafter "Franke") fails to teach the step of processing comprise

classifying the selected plurality of patches into a plurality of classes. The Examiner

respectfully disagrees. Franke clearly teaches this limitation through out the references

specifically cited at page 41, column 1, "detect and classify different additional traffic

participants, such as bicyclists or pedestrians;"; page 41, column 1, "A polynomial

classifier subsequently classifies detected lane boundaries as curbs, markings, or

cluster."; and page 44, column 2, "The classification stages involves color, shape, and

pixel values.".

      Regarding claim 1, the Applicant argues (page 9 of the Remarks) that Franke does not

disclose a concept of classify the depth map. The Examiner respectfully disagrees.

Franke teaches a various-steps procedure of classify clusters into a number of patches

using depth map (page 42, column 1 and FIG. 4).

Note, the arguments discussed above have been repeatedly brought up the Applicant.

However, the Examiner firmly believes the rejections have been reasonably made and

have clearly explained the stand of the rejections through previous interviews and Office

Actions.

To further assist the Applicant with the guidance with claim language interpretations so

that the Applicant can add further/more details limitations from the specification to the claims to

overcome the prior arts, the Examiner is presenting MPEP, section 2111, Claim Interpretation;

Broadest Reasonable Interpretation as follow: "The court explained that "reading a claim in light

of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite

different thing from reading limitations of the specification into a claim,' to thereby narrow the

scope of the claim by implicitly adding disclosed limitations which have no express basis in the

claim." The court found that applicant was advocating the latter, i.e., the impermissible

importation of subject matter from the specification into the claim.). See also In re Morris,

127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the

PTO is not required, in the course of prosecution, to interpret claims in applications in the same

manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to

verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary

usage as they would be understood by one of ordinary skill in the art, taking into account

whatever enlightenment by way of definitions or otherwise that may be afforded by the written

description contained in applicant's specification.")".

The Examiner believes that all the arguments of the Applicant have been properly

addressed and explained. Thus, the rejections of all of the claims are maintained.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-5, 7, 13-14, 16, and 20-22 are rejected under 35 U.S.C. 102(b) as being

anticipated by Awe Franke et al. Autonomous Driving Goes Downtown. I.E.E.E. Intelligent

Systems, 1998, pages: 40-48.

Regarding claim 1, Franke teaches a method of detecting an imminent collision (page 40,

column 1) comprising the steps of:

Capturing and preprocessing imagery of a scene proximate a platform (capture region of

interest of image prior to the application of intensive algorithms to recognize object)(page 42,

second column, Object recognition);

Producing from the imagery a depth math (2D depth map) (page 41, column 3, last 3

lines);

Tessellating the depth map into a number of patches and selecting a plurality of the

patches of the depth map for processing (the selection of rectangular boxes of point

features/patches to generate depth map) (FIG. 4 and page 42, column 1), wherein said

processing comprise classifying the selected plurality of patches of the depth map into a

plurality of classes (page 41, column 1, "detect and classify different additional traffic participants, such as bicyclists or pedestrians;"; page 41, column 1, "A polynomial classifier subsequently classifies detected lane boundaries as curbs, markings, or cluster."; and page 44, column 2, "The classification stages involves color, shape, and pixel values."); detecting a potential threat in the tessellated depth map during the processing of the selected plurality of the patches (page 42, column 1, and FIG. 4) (page 41, first column, "stereo-based obstacle detection and tracking", first paragraph; page 41, third column, last paragraph);

Estimating the size of the detected potential threat (object's width) (page 42, column 1, second paragraph);

Estimating the position of the detected potential threat (page 42, column 2, first 5 lines);

Estimating the velocity of the detected potential threat (motion/speed/acceleration estimation) (page 42, column 1 and column 2);

Performing a trajectory analysis of the detected potential threat using the estimated position and the estimated velocity (road recognition) (page 42, column 3, Road Recognition to page 43, column 1); and

Performing a collision prediction based on the trajectory analysis (estimation of relevant traffic and potential obstacles) (page 41, column 1).

For claim 2, Franke discloses the method further including determining if a collision is imminent based on the collision prediction (obstacle detection) (page 41, column 3, last 3 lines and page 47) and on the estimated size (object's width) (page 42, column 1, second paragraph) of the potential threat.

Referring to claim 3, Franke also teaches a method further including filtering the

estimated position and filtering the estimated velocity before performing trajectory analysis

(Kalman Filter to estimate motion/speed/acceleration (page 42, column 1 and column 2);

For claim 4, Franke teaches the method wherein the filtering includes Kalman Filtering

(page 41, column 3).

Regarding claim 5, Franke further discloses the method wherein estimating the velocity

of the detected potential threat includes the step of identifying 2-dimensional feature

correspondences from imagery produced in different frames (2D depth map to track cluster of

image frame to frame) (page 41, column 3, last 3 lines to page 42, column 1).

For claim 7, Franke teaches the method wherein estimating the velocity of the detected

potential threat further includes the step of estimating velocity using Random Sample

Consensus (arbitrary data) (page 43, column 1).

Regarding claim 13, please refer back to claims 1 and 2 for the teachings and

explanations.

For claim 14, Franke teaches the system wherein said collision detector includes a filter

for filtering image noise and outliers from said estimated position and from said estimated

velocity before performing trajectory analysis (Kalman Filter) (page 41, column 3).

Referring to claim 16, Franke teaches the system further including a host vehicle,

wherein said stereo camera pair is mounted in fixed locations relative to said host vehicle (page

41, column 2, second paragraph and FIG. 1).

Regarding claim 20, please refer back to claim 1 for the teachings and explanations. In

addition, Franke teaches a computer readable medium having stored thereon a plurality of

instructions, the plurality of instruction including instructions which, when executed by a

processor causes the processor to perform the claimed limitations (computers to run program

including instructions) (page 47, column 3).

For claims 21-22, please refer back to claims 3 and 5 for the teachings and explanations.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   ·   Claims 6, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awe

Franke et al. Autonomous Driving Goes Downtown. I.E.E.E. Intelligent Systems, 1998, pages:

40-48 as applied to claim 1 above, and further in view of Ming Yang et al. Vision-based Real-

time Obstacles Detection and Tracking for Autonomous Vehicle Guidance. Real-time Imaging

VI, Proceedings of SPIE Vol. 4666, pages 65-74, 2002.

Regarding claim 6, Franke teaches the 3D map of the environment and 2D depth map

(page 41, "Stereo-based obstacle detection and tracking", first paragraph) in estimating the

velocity of detected of potential threat. However, Franke does not explicitly teach the

obtaining 3D correspondences from the 2-dimensional feature. Ming teaches a system for

obstacles detection and tracking for autonomous vehicle guidance which shows that it is well

known to extract 3D information from 2D images for visual guidance (page 65, Introduction,

second paragraph). Modifying Franke's method of detecting collision would able to further

provide the flexibility for visual guidance in detecting obstacles. This would improve

processing and therefore, it would have been obvious to one of the ordinary skills in the art to modify Franke according to Ming.

Regarding claims 15 and 23, please refer back to claims 5 and 6 for the teachings and explanations.

Allowable Subject Matter

7.   Claims 8-12, 17-19, 24-26, and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Le
Primary Examiner
December 12, 2007